MIRIAM H. BAER

Brooklyn Law School, Professor of Law
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TEACHING EXPERIENCE

BROOKLYN LAW SCHOOL, Brooklyn, NY, *Professor of Law* August 2008 - present
Associate Director, Center for the Study of Business Law and Regulation

Courses:
Criminal Law
Criminal Procedure I: Investigations
White-Collar Crime
Corporate and White-Collar Crime Seminar

Selected Committees and Service:
Long Term Planning (chair, Spring 2019); Faculty Workshops (chair, 2018-19); Entry Level Appointments (multiple years, including 2018-19)

YALE LAW SCHOOL, New Haven, CT, *Visiting Professor of Law* January 2018 - May 2018

Course: Criminal Procedure: Investigations

NYU SCHOOL OF LAW, New York, NY,

Visiting Fellow, Center for Research in Crime and Justice September 2014 - May 2015

Lawyering Professor June 2006 - June 2008

EDUCATION

HARVARD LAW SCHOOL, J.D., *magna cum laude* June 1996
Activities: *Human Rights Journal* (1994-1996): Articles and Managing Editor
Research Assistant (1994-1996): Professor Arthur Miller

PRINCETON UNIVERSITY, A.B. in Politics, *magna cum laude* June 1993
Honors: *Phi Beta Kappa*.

HONORS & APPOINTMENTS

Articles twice selected for the Yale/Stanford/Harvard Junior Faculty Forum

Elected to American Law Institute, December 2016

- Adviser, American Law Institute's Project on Corporate Compliance and Enforcement (as of September 2015)

Elected as American Bar Foundation Fellow, February 2017

Member, New York City Marshalls Committee (advises mayor's office on the selection of city marshals), 2015-present.

PUBLICATIONS

Book chapters:

Prosecuting Corporations: Three Challenges for the Criminal Law Canon, in OXFORD HANDBOOK ON PROSECUTORS AND PROSECUTIONS (Oxford University Press; Wright, Levine & Gold, eds., forthcoming 2019).

Carrots, Sticks and Corporate Bounty Programs, in CAMBRIDGE HANDBOOK ON COMPLIANCE (Cambridge University Press, Sokol & Von Rooij, eds., forthcoming 2020).

When the Corporation Investigates Itself, in RESEARCH HANDBOOK ON CORPORATE CRIME AND FINANCIAL MISDEALING (Elgar, 2018; Arlen ed.)

Entrapment and the Quandary of the Undercover Investigation, Comment in CRIMINAL LAW CONVERSATIONS (Oxford University Press, 2009)

Eliminating the Divide between the State and its Citizens, Comment in CRIMINAL LAW CONVERSATIONS (Oxford University Press, 2009).

Articles

Sorting Out White-Collar Crime, 97 TEX. L. REV. __ (forthcoming 2019)

Reconceptualizing the Whistleblower's Dilemma, 50 U.C. DAVIS L. REV. 2215 (2017)

Pricing the Fourth Amendment, 58 WM & MARY L. REV. 1103 (2017)
American Law and Economics Association, Annual Meeting 2016

Timing Brady, 115 COLUM. L. REV. 1 (2015)
Yale-Stanford-Harvard Junior Faculty Forum

Confronting the Two Faces of Corporate Fraud, 66 FLA. L. REV. 87 (2014)
Selected for *JOTWELL* review (April 13, 2015), https://corp.jotwell.com/deterring-both-spur-of-the-moment-and-carefully-planned-corporate-crimes/
Securities Law Review (2015) (Langevoort, ed.)

Choosing Punishment, 92 B.U. L. REV. 577 (2012)

Cooperation's Cost, 88 WASH. U. L. REV. 963 (2011)
Yale-Stanford Junior Faculty Forum
American Law and Economics Association Annual Meeting 2010
Cited in U.S. v. Rushin, 844 F.3d 933 (11th Cir. 2016) (Jordan. J, concurring).

Governing Corporate Compliance, 50 B.C. L. REV. 949 (2009)

Linkage and the Deterrence of Corporate Fraud, 94 VA. L. REV. 1295 (2008)

Insuring Corporate Crime, 83 IND. L. J. 1035 (2008)

Towards a More Balanced Treatment of Bidder and Target Shareholders, 1997 COLUM. BUS. L. REV. 319

The Role of the Corporate Attorney within the Takeover Context: Loyalties to Whom? 21 DEL. J. CORP. L. 943 (1996)

Essays and Book Reviews

Propping up Corporate Crime with Corporate Character, IOWA LAW REVIEW ONLINE (forthcoming 2018) (by invitation)

Insider Trading's Legality Problem, 127 YALE L.J. FORUM 129 (2017)

Too Vast to Succeed, Book Review of TOO BIG TO JAIL: HOW PROSECUTORS COMPROMISE WITH CORPORATIONS by Brandon Garrett, 114 MICH. L. REV. 1109 (2016)

Some Skepticism about Criminal Discovery Empiricism, 73 WASH & LEE L. REV. ONLINE 347 (2016) (by invitation)

Unsophisticated Sentencing, 61 WAYNE L. REV. 61 (2015) (symposium contribution)

Secrecy, Intimacy, and Workable Rules: Justice Sotomayor Stakes Out the Middle Ground in United States v. Jones, 123 YALE L.J. FORUM 393 (Mar. 24, 2014) (symposium contribution)

Teaching the White-Collar Crime Course, 11 OH. ST. J. CRIM. L. 789 (2014) (symposium contribution)

Some Thoughts on the Porous Boundary between Ordinary and Extraordinary Frauds, Book Review of Tom Baker's and Sean Griffith's ENSURING CORPORATE MISCONDUCT, 14 U. PA. J. BUS. L. 927 (2012) (by invitation)

Organizational Liability and the Tension Between Corporate and Criminal Law, 19 J. LAW & POL'Y 1 (2010) (symposium contribution)

Evaluating the Consequences of Calibrated Sentencing: A Response to Professor Kolber, 109 COLUM. L. REV. SIDEBAR 211 (2009)

Corporate Governance and Corporate Policing: What Can We Learn from Hewlett-Packard's Pretexting Scandal?, 77 U. CIN. L. REV. 523 (2008) (symposium contribution)

PRACTICE EXPERIENCE

VERIZON COMMUNICATIONS, New York, NY, Sept. 2004-Oct. 2005
Assistant General Counsel for Compliance.

UNITED STATES ATTORNEY'S OFFICE, New York, NY, Sept. 1999-Aug. 2004
Assistant United States Attorney, Criminal Division.

CRAVATH SWAINE & MOORE, New York, NY, Summer 1995, Sept. 1997-Sept. 1999
Litigation associate.

THE HONORABLE JANE ROTH, Wilmington, DE, Sept. 1996-Aug. 1997
United States Court of Appeals for the Third Circuit.

SELECTED PRESENTATIONS

The Business Side of Crime, plenary panel, National Business Law Scholars Conference, June 2018

Corporate Compliance and Organizational Change, Notre Dame Law School, senior/junior scholar workshop, April 2018

The Lawyer as Legal Risk Manager, panelist for Rutgers Law School Center for Corporate Law and Governance, April 2018

Conduct, Results and Fraud Loopholes, AALS Annual Meeting Discussion Group on Fraud in San Diego, January 2018

Sorting Out White-Collar Crime (or earlier versions):
University of Houston Law Center, White Collar Crime Workshop, October 2017
University of Connecticut Law School, Faculty Workshop, October 2017
Pace Law School, Faculty Workshop, October 2017
Law & Society Conference, Mexico City, July 2017
Columbia Law School Criminal Law Roundtable, May 2017

Institute for Law and Economic Policy, 23rd Annual Conference, Naples, Florida, commentator, April 2017

Insider Trading's Legality Problem, AALS Annual Meeting Discussion Group on Insider Trading, January 2017

Reconceptualizing the Whistleblower's Dilemma (or earlier versions):
Southern Methodist University Law School, Faculty Workshop, February 2017
Emory Law School, Faculty Workshop, January 2017
Canadian Law & Economics Association, University of Toronto Law School, September 2016
Eugene and Delia Murphy Corporate Law Colloquium, Fordham Law School, April 2016

Disciplining Corporate Power, *Rebellious Lawyering Conference*, Yale Law School, February 2016

Anti-Bribery Statutes and Corporate Prosecutions, *International Law Weekend-West*, BYU Law School, January 2016

Pricing the Fourth Amendment (or earlier versions):
American Law and Economics Association Annual Meeting, Harvard Law School, May 2016
Criminal Justice Ethics Schmooze, Fordham Law School, June 2015
Criminal Justice Hoffinger Colloquium, NYU School of Law, April 2015

Whistleblowing and Corporate Change, NYU School of Law, October 2015 (panelist)

When the Corporation Investigates Itself, Symposium on Corporate Fraud and Financial Misconduct, NYU School of Law, April 2015

Rethinking the Corporate Attorney Client Privilege, Symposium on Corporate Compliance, Fordham Law School, February 2015

Unsophisticated Sentencing, Symposium on White-Collar Crime and Sentencing, Wayne State University Law School, October 2014

Timing Brady,
Fordham Law School, Criminal Law Speaker Series, September 2014
Stanford-Yale-Harvard Junior Faculty Forum, Stanford Law School, June 2014

Deterring Corporate Crime: Effective Principles for Enforcement, NYU Law School Program on Compliance and Enforcement, April 2014

Secrecy, Intimacy and Workable Rules: Justice Sotomayor Stakes Out the Middle Ground, Yale Law School, Symposium on the Early Jurisprudence of Justice Sotomayor, Yale Law Journal Online, February 2014

Speaker and invited participant, United States Sentencing Commission's Economic Crime Symposium,

John Jay College, New York, September 2013

Confronting the Two Faces of Corporate Fraud (or earlier versions):
University of Michigan Law School, Legal Theory Workshop, September 2013
University of Florida, Criminal Justice Center Junior Workshop, March 2013
Benjamin N. Cardozo School of Law, Faculty Workshop, March 2013

Choosing Punishment (or earlier versions):
University of Illinois School of Law, Program in Business Law and Policy, November 2011
Yale Law School Criminal Law Roundtable, May 2011

Cooperation's Cost (or earlier versions):
Yale/Stanford Junior Faculty Forum, Yale Law School, June 2010
American Law and Economics Association, Annual Meeting, May 2010
Federalist Society, Young Scholars Panel Presentation (competitively selected), January 2010
Law & Society Association, Early Career Workshop (competitively selected), May 2009

Governing Corporate Compliance (or earlier versions):
Washington University Law School, Corporate Regulation Junior/Senior Workshop, March 2009
New York City Junior Faculty Colloquium, Fordham Law School, December 2008

PROFESSIONAL ACTIVITIES & MEDIA

Cited and quoted in Vox, Forbes, Wall Street Journal, New York Times, New York Times Magazine, Bloomberg News, The Atlantic, The Boston Globe, Huffington Post and other publications.

Interviewed on multiple occasions on CBSN (CBS News' digital network) regarding Robert Mueller's investigation of Russian interference in the 2016 presidential election.

Admitted to practice before the United States Courts of Appeal for the Second and Third Circuits, and the United States District Courts for the Southern and Eastern Districts of New York.

Referee or reviewer for Springer (international book division), *Law & Policy* (Wiley), *Regulation and Governance* (Wiley), NYU Press, Stanford University Press, Walters Kluwer, and the Harvard Law Review.